

## REMARKS/ARGUMENTS

Claims 1-51 were previously pending. As noted above, claims 1, 3, 5, 7, 12, 19, 23, 34, 39 and 47 have been amended, no claims have been canceled, and no claims have been added. Support for these amendments may be found throughout the Specification.<sup>1</sup> Thus, claims 1-51 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

### *Claim Rejections – 35 USC § 103*

Claims 1-7, 9-16, 18-20, 22-27, 29-36, 39-44 and 46-50 are rejected under 35 USC § 103(a) as being obvious over Gagnon et al. (European Patent Application No. 1 024 661 A2) in view of Arsenault (US Patent No. 6,310,661) and Wugofski (US Patent No. 6,990,680).

Claim 8 is rejected under 35 USC § 103(a) as being obvious over Gagnon et al. (European Patent Application No. 1 024 661 A2) in view of Arsenault (US Patent No. 6,310,661) and Wugofski (US Patent No. 6,990,680) and in further view of Birdwell et al. (US Patent No. 6,032,197).

Claims 17, 28 and 45 are rejected under 35 USC § 103(a) as being obvious over Gagnon et al. (European Patent Application No. 1 024 661 A2) in view of Arsenault (US Patent No. 6,310,661) and Wugofski (US Patent No. 6,990,680) and in further view of Rustad et al. (US Patent No. 6,775,303).

Claims 21, 37-38 and 51 are rejected under 35 USC § 103(a) as being obvious over Gagnon et al. (European Patent Application No. 1 024 661 A2) in view of Arsenault (US Patent No. 6,310,661) and Wugofski (US Patent No. 6,990,680) and in further view of Matsui et al. (US Patent No. 6,580,756). Applicants respectfully traverse this rejection for at least the following reasons.

First, the Examiner concedes that Gagnon “does not specifically disclose the broadcast overhead information including physical channel parameters.” See. e.g. Office Action, dated May 1, 2009, page 3. To remedy this deficiency, the Examiner relies on Arsenault, and cites Arsenault, column 11 lines 36-50, as support. The cited paragraph reads as follows:

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<sup>1</sup> See, e.g., Specification, paragraphs [0120]-[0148].

To avoid the potential for human error associated with requiring antennas aligned with specific satellites to be coupled to specific input ports of the switching network 42, the remote receiving apparatus 12 is preferably adapted to automatically identify each connected satellite based on the frequency and/or the polarization of the programs broadcast by the satellite and/or on the orbit location of the satellite. Under this approach, rather than specifying an input port, *the controlling data streams which are broadcast on the satellite(s) not carrying the actual program preferably specify the frequency, polarization, and orbit location where the program can be found.* The remote receiving apparatus 12 preferably utilizes the information provided by the controlling data stream to couple the appropriate input port to the output port of the switching network 42. (Emphasis added).

The amended independent claim 1, recites transmitting “broadcast overhead information for the broadcast session in-band with the broadcast session.” To the contrary, the cited text refers to controlling data “which are broadcast on the satellite(s) not carrying the actual program.” Even if one were to assume “controlling data” could be analogously applied to represent overhead information, the cited reference discloses that the controlling data includes information for *other* channels that actually carry the referenced content.

Further, Arsenault discloses that the controlling data includes information for *other* channels that actually carry the referenced content by disclosing that in operation, “a broadcaster transmits the entirety of certain programs over a first satellite and *controlling data steams on corresponding channels over a second satellite.* The controlling data steams on the second satellite indicate that the programming for their corresponding channel is being carried on the first satellite.” See, Arsenault, column 9, lines 5-7.

As such, Arsenault neither discloses nor suggests amended independent claim 1. Further, the other cited references are silent with respect to remedying this deficiency. Accordingly, as amended independent claims 3, 5, 7, 12, 19, 23, 34, 39 and 47 include similar language, Arsenault neither discloses nor suggests amended independent claims 3, 5, 7, 12, 19, 23, 34, 39 and 47.

Second, the Examiner concedes that Gagnon does not specifically disclose “the broadcast overhead information being transmitted in-band with the broadcast session.” See. e.g. Office Action, dated May 1, 2009, page 3. To remedy this deficiency, the Examiner relies on Wugofski, and cites Wugofski, column 2 lines 11-31, as support.

Contrary to the assertion of the Examiner, the cited passage neither discloses nor suggests

the claimed subject matter. The cited reference discloses including multiple types of content into the payload of a broadcast, rather than disclosing including overhead head information in-band with content. For example, Wugofski discloses that “[i]n the world of broadcast media, such as television, a broadcast channel can transmit data streams as well as audio and video content to a properly equipped tuner/receiver. This transmission method is called ‘in-band’ transmission.” See. Wugofski, column 1, lines 47-51. As such, Wugofski neither discloses nor suggests the claimed subject matter. Further, the other cited references are silent with respect to remedying this deficiency.

As such, Applicants respectfully request the rejections under 35 USC § 103(a) be withdrawn for claims 1-51.

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Amendment dated June 30, 2009  
Reply to Office Action of May 1, 2009

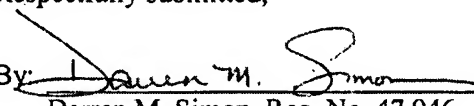
### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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